

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DISTRICT**

KENTRELL D. ROMAN,

Plaintiff,

v.

No. 2:17-cv-02477-MSN-cgc

APPLE, INC.,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
ON DEFENDANT'S MOTION TO DISMISS**

Before the Court is the Magistrate Judge's Report and Recommendation on Defendant Apple, Inc.'s Motion to Dismiss. (ECF No. 18.) The Report recommends that Defendant's Motion to Dismiss be **DENIED** at this time.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. *See United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001) (citing *Gomez v. United States*, 490 U.S. 858, 869–70 (1989)); *see also Baker v. Peterson*, 67 Fed.Appx. 308, 310 (6th Cir. 2003). For dispositive matters, “[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to.” *See Fed. R. Civ. P.* 72(b)(3); 28 U.S.C. §636(b)(1). After reviewing the evidence, the court is free to accept, reject, or modify the magistrate judge's proposed findings or recommendations. 28 U.S.C. § 636(b)(1). The district court is not required to review—under a de novo or any other standard—those aspects of the report and recommendation to which no

objection is made. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). The district court should adopt the magistrate judge's findings and rulings to which no specific objection is filed. *See id.* at 151.

The deadline to object to the Report has passed, and neither Plaintiff nor Defendant filed objections. The Court has reviewed the Report for clear error and finds none. For the foregoing reasons, the Court **ADOPTS** the Report and **DENIES** Defendant Apple, Inc.'s Motion to Dismiss at this time. The Clerk of the Court is ordered to reissue a summons to Apple, Inc. and to deliver the summons, along with a copy of the Amended Complaint, to the U.S. Marshal for service; and that service be made on Apple, Inc. pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure by delivering the summons and the documents to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process; and that all costs of service be advanced by the United States.

Plaintiff is cautioned that any failures to comply with orders of this Court or to participate in this case may result in the dismissal of the complaint without further warning.

IT IS SO ORDERED, this 1st day of April, 2019.

s/ Mark S. Norris
MARK S. NORRIS
UNITED STATES DISTRICT JUDGE